

## MEDICAL JURISPRUDENCE†

HARTLEY F. PEART, ESQ.  
San Francisco

### Financial Obligations of Physicians About to Enter Military Service

IN order to expedite national defense and to protect persons entering the military service from any resulting drastic reduction in their income, provision is made in the Soldiers' and Sailors' Civil Relief Act of 1940 to suspend enforcement of certain civil liabilities of persons entering military service, and to suspend temporarily legal proceedings and transactions which may affect them prejudicially. Physicians and surgeons entering the Medical Corps of one of the branches of the armed forces may receive the benefits of this Act, and should consider its provisions prior to closing their affairs and entry into the armed forces. The following is a very brief summary of the pertinent sections of the Act.

#### GENERAL RELIEF

In the event that a judgment by default in any court action is entered against any person in military service and it appears that such person was prejudiced by reason of his military service in defending the action, within 90 days after termination of the military service the defendant so prejudiced, or his legal representative, may apply to the court and be granted leave to enter any defense that he might have. In addition to this the court may, on application of the person in military service or someone on his behalf, stay execution of any judgment and vacate any attachment levied on a person in military service, if it is shown that by reason of the defendant's being in military service his ability to discharge his obligation is materially affected.

The statute of limitations will not run against any person during his term of military service.

In the event that a member of the armed forces incurs a penalty for failure to perform the terms of a contract upon which he is obligated, the court may relieve against enforcement of such penalty, if his ability to pay or comply with the terms of the contract has been impaired by reason of military service.

#### RENT, INSTALLMENT CONTRACTS, MORTGAGES

Where the rent of premises occupied by the dependents of a person in military service does not exceed \$80.00 per month, the owner may not evict the tenants except upon leave of court; and in its discretion the court may delay the eviction for a period of three months.

The seller of real or personal property may not repossess the property sold to a person *prior to his entry into military service* without first bringing an action in a proper court to do so. Where substantial payments have already been made on the property, the court may require the seller to

repay the amount of prior installments before allowing repossession. The court may also order a stay of proceedings upon application by any person on behalf of the defendant.

With respect to installment contracts for the purchase and sale of automobiles, the court may not stay proceedings to recover possession unless at least fifty per cent of the full purchase price has been paid.

Persons having mortgages or trust deeds on their real property may apply to the proper court for a stay of proceedings in the event that a foreclosure action is commenced after entry into military service. The application may be made on behalf of the person in military service by a friend, relative, etc. The obligation secured by a mortgage or trust deed, however, must have originated prior to October 17, 1940, the date on which the Act became effective.

#### INSURANCE

Holders of life insurance policies are only protected by the Soldiers' and Sailors' Civil Relief Act for an aggregate amount of life insurance up to \$5,000, and in order to avoid a loss of policies up to this amount for non-payment of premiums, they must make application to the Veterans Administration on forms provided by this agency. On entering military service, if application is made on the proper form, with respect to policies *issued at least thirty days before enlistment*, it is provided that no such policy shall lapse or be forfeited for non-payment of premiums during military service and for a period of one year thereafter. The United States Government guarantees the payment of premiums during this period and is subrogated to the rights of the insurance company against the policy holder.

There are certain other conditions with respect to the types of policies and insurance companies covered, and this information, with respect to the particular policy, can be obtained from the company issuing the policy. All delinquent premiums with interest at six per cent must be paid by the insured within one year after he leaves the military service.

#### TAXES

If a member of the armed forces owning real property, or any person in his behalf, files an affidavit with the Tax Collector showing that a tax on such property has been levied and is unpaid, and that his ability to pay is materially impaired by reason of his service, he is afforded certain benefits. The property may not be sold for taxes without leave of court, and the court, on application, may delay the sale or, in the event that a sale is held, the property owner's right to redeem is extended for six months after his leaving military service.

The collection of income taxes from any person in military service is deferred for a period not to exceed six months after the termination of service.

Particularly with respect to the young physician entering the Army, Navy or Marine Corps, the Act offers many advantages which will protect him against loss of such things as his house, his

† Editor's Note.—This department of CALIFORNIA AND WESTERN MEDICINE, presenting copy submitted by Hartley F. Peart, Esq., will contain excerpts from and syllabi of recent decisions and analyses of legal points and procedures of interest to the profession.

automobile or his life insurance. It should be remembered, however, that all of the benefits described are only available when there has been a reduction in the income of the person affected, and his ability to fulfill his obligations has been definitely prejudiced by his entry into the armed forces; and if such person still has a substantial income, he may not avoid or delay the enforcement of such obligations.

## LETTERS †

### Concerning a Letter of Appreciation from the Headquarters of the Ninth Corps Area, United States Army.

(COPY)

HEADQUARTERS NINTH CORPS AREA  
Office of the Surgeon

Fort Douglas, Utah, May 6, 1942.

Dear Doctor Kress:

My assistant, Colonel Moore, called my attention to your courtesies extended to the Army during my absence from the office. Please accept my thanks at this time.

I am also in receipt of the CALIFORNIA AND WESTERN MEDICINE, which you forwarded to me. It has been perused with much interest and circulated to members of my staff. It confirms, in every detail, the splendid coöperation you are giving the Army at this critical time.

With kindest regards,

Sincerely yours,  
H. R. BERRY,  
Colonel, Medical Corps.

### Concerning a Letter to Past Presidents of the California Medical Association and Reply thereto.

(COPY)

CALIFORNIA MEDICAL ASSOCIATION

April 27, 1942

*The Past Presidents of the California Medical Association, Addressed.*

ATTENTION:

George H. Evans, President in 1907  
John C. King, President in 1910  
O. D. Hamlin, President in 1912  
George H. Kress, President in 1916  
John H. Graves, President in 1921  
Edward N. Ewer, President in 1925  
William H. Kiger, President in 1928  
Morton R. Gibbons, President in 1929  
Lyell C. Kinney, President in 1930  
Junius B. Harris, President in 1931  
George G. Reinle, President in 1933  
Clarence G. Toland, President in 1934  
Robert A. Peers, President in 1935  
Edward M. Pallette, President in 1936  
W. W. Roblee, President in 1938  
Harry H. Wilson, President in 1940

Dear Doctors:

Under "Program: By Days," on page 177 of the April, 1942, issue of C. & W. M., the "Past Presidents' Breakfast" is scheduled for 7:45 A.M., on Tuesday, May 4th. (In the Private Dining Room at Hotel Del Monte).

This letter is a reminder. If you cannot be present, may we have a message of greeting? The undersigned will be glad to present it to your colleagues.

Cordially and fraternally,

GEORGE H. KRESS, M.D.,  
Association Secretary.

Replay from Dr. John C. King:

JOHN C. KING, M.D.  
990 Atchison Street  
Pasadena

May 1, 1942.

My Dear George:

A message? Sure! When a fellow is well along in his ninetieth year, he is always willing to offer advice to those who do not need it. Still, fifty years of practice taught me this: If I made any advance in professional science; if I enjoyed the respect of my community, and accumulated a modest sufficiency for old age, it was because I always tried to identify myself with the interests of my local profession, the local medical societies, and to be useful. If I became President of this or that, it was because some colleagues sort of believed in me. Any small success I may have achieved I owe to my professional brethren, not to myself. I can count on two or three fingers any injury received from other doctors. I cannot count the benefits I have received from them. Most of my friends have gone to heaven. Gone somewhere, anyhow, so I remain just a deaf, old derelict \* \* \* and your friend,

Sincerely,

JOHN C. KING.

(COPY)

*A Telegram of Greeting from Dr. King's Daughter:*  
Pasadena

Dr. George Kress, M.D.,  
Del Monte Hotel.

*My father, Doctor John C. King, has been thinking of you and the doctors of the California Medical Association who are gathering at Del Monte to close a most eventful year, and to open one which will be still more eventful. In his behalf we send you greetings. . . . Doctor King was eighty-nine last February. He retains a clear mind and keen interest in world affairs. He reads much and especially enjoys the State Association's Journal. He entertains many callers. He lectures weekly to a large bible class and he cares for his flower garden from which he gathers baskets full for the children in the church school. He sends to you all his kindest regards and hearty cheer as you undertake grave and new duties.*

Sincerely yours,

Madge Prince.

### Concerning American College of Chest Physicians.

San Francisco, May 4, 1942.

To the Editor:—As a Western Regent of the American College of Chest Physicians I have been asked to notify the Secretary of the CALIFORNIA AND WESTERN MEDICINE to publish a notice of the annual meeting of the College to be held at the Hotel Dennis at Atlantic City, June 6th to 8th. . . .

384 Post St.

Cordially,

HARRY C. WARREN.

*Premarital Examination Laws in U. S.*—Details of operation of the thirty premarital examination laws now in effect in the United States, summarized in *The Journal of the American Medical Association*, by George F. Forster, Ph.D., and Howard J. Shaughnessy, Ph.D., Chicago, illustrate, they say, "the difficulties which are in many cases imposed on those who cross state lines in order to marry. These difficulties arise chiefly from the lack of reciprocity in the acceptance (1) of laboratory reports from out of state laboratories, and (2) of examination certificates signed by out of state physicians."

Interstate marriages are common in normal times and are now considerably increased as a result of the translocation of many eligible young men in the army camps, they explain.

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